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General Assembly

Distr.: General
3 May 2002

Original: English

Committee on Relations with the Host Country

Letter dated 21 March 2002 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Addendum

02-36628 (E) 230502

Appendix I

TREASURY DEPARTMENT
FOREIGN ASSETS CONTROL
OMB #

APPLICATION NO. L-13

Libyan Sanctions Regulations

AMENDED APPLICATION NO. 3 FOR A LICENSE

TEMPORARY FORM

Foreign Assets Control Division
Federal Reserve Bank of New York
33 Liberty Street
New York City, New York 10045

TO THE SECRETARY OF THE TREASURY
c/o Federal Reserve Bank

DATE: March 14, 1986

This Amended Application No. 3 is submitted in conjunction with and in supplement to a certain Application for a License, pursuant to Section 550.209 of the Libyan Sanctions Regulations, on behalf of the Mission of Libya to the United Nations, dated January 20, 1986, Amended Application No. 1, dated January 26, 1986, Amended Application No. 2, dated March 10, 1986, and submitted to the Federal Reserve Bank of New York and to the Treasury Department, Office of Foreign Assets Control, at Washington, D.C.

1. The Permanent Mission of Libya to the United Nations is the sole occupant, at the present time, of premises known as 309-15 East 48th Street, New York City, New York. Said premises are owned by the Socialist People's Libyan Arab Jamahiriya in fee simple and without any Mortgage.

2. As has previously been indicated, by a Note Verbale from the Libyan Mission to the United States Mission, the Mission of Libya had an intention to rent seven (7) floors of the aforementioned building to other Missions to the United Nations. It is to be noted that said seven (7) floors are approximately 26-36 per cent of the said premises. The Mission of Libya shall appreciate the approval of the Treasury Department to proceed with its earlier expressed intention to renting out the seven (7) floors thereof to interested Missions to the United Nations and/or to other interested private companies.

3. The Mission of Libya is prepared to open a Special Bank Account entitled "MISSION OF LIBYA - LIBYA HOUSE ACCOUNT", and to deposit all sums of money received from any tenant at the above-mentioned premises and to use those funds only for:

(a) Improvements and betterments for tenants, real estate brokerage commissions and legal fees in connection with such rentals, and

(b) The pro-rate cost of operating and maintaining said seven (7) floors, i.e.: 26-36 per cent of the total operating and maintenance costs, including real estate taxes to The City of New York on the non-exempt portion of the premises

4. Accordingly, a Special License is requested to authorize The Mission of Libya to rent all seven (7) floors and a Special License to open a new special account entitled "MISSION OF LIBYA - LIBYA HOUSE ACCOUNT", to be opened at The Chemical Bank, United Nations Branch, United Nations, New York, for the purposes only as indicated above.

The undersigned, ROBERT W. THABIT, ESQ., certifies that I am the attorney for the MISSION OF LIBYA TO THE UNITED NATIONS, who is the applicant in the above Application for a License; that I am duly authorized to make the foregoing application on behalf of the applicant; that except as otherwise specifically stated, I have personal knowledge of all the facts herein stated; that the same are true and correct; and that I do not have knowledge of any material facts in connection with said application that are not fully and accurately set forth.

Robert W. Thabit

ROBERT W. THABIT
801 Second Avenue
New York, New York
(212) 682-3481

DEPARTMENT OF THE TREASURY
WASHINGTON

JUL 23 1986

L-103346
L-13(c)

Dear Mr. Thabit:

I am writing in response to your request on behalf of the Permanent Mission of Libya to the United Nations requesting a license to permit the renting out of seven floors of a building owned by the Socialist People's Libyan Arab Jamahiriya and located at 309-15 East 48th Street, New York, New York.

After consultation with the Department of State and careful consideration of all the relevant factors, the request for a license is denied.

The Department of State has also requested that this letter serve as a reminder that all previous restrictions imposed by the Department of State on the use of the vacant floors shall remain in effect.

Very truly yours,

Dennis M. O'Connell
Director
Office of Foreign Assets Control

Mr. Robert W. Thabit
801 Second Avenue
Suite 801
New York, New York 10017

Appendix III

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

297601102021501

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/98	12/31/98	211,415.42	201,140.43
REAL EST	10		01/01/99	06/30/99	214,410.66	167,704.67
REAL EST	10		07/01/99	12/31/99	212,913.04	134,139.09
REAL EST	10		01/01/00	06/30/00	202,637.64	99,020.17
REAL EST	10		07/01/00	12/31/00	209,450.34	75,589.64
REAL EST	10		01/01/01	06/30/01	200,182.46	48,618.89
REAL EST	10		07/01/01	12/31/01	205,962.96	28,168.73
RE ADD TAX	13		03/01/91	06/30/91	4,070.08	25,785.48

TOTAL REMITTANCE DUE: $2,241,209.70

ADDITIONAL INTEREST WILL BE ADDED IF NOT PAID ON OR BEFORE THE INTEREST DATE INDICATED BELOW. THIS NOTICE REFLECTS ALL PAYMENTS RECEIVED BY THE PAYMENTS THROUGH DATE INDICATED BELOW.

***** DO NOT TEAR-OFF *****

TO INSURE PROPER CREDIT, RETURN ALL PARTS OF THIS BILL WITH YOUR CHECK MADE PAYABLE TO THE NYC DEPARTMENT OF FINANCE. SEE THE REVERSE SIDE OF THIS NOTICE FOR MAILING AND PAYMENT INSTRUCTIONS.

INTEREST TO: 03/18/2002
TOTAL TAX DUE : $1,461,042.60
TOTAL INTEREST DUE : $780,167.10
TOTAL REMITTANCE DUE: $2,241,209.70
PLEASE ENTER CORRECTION(S) HERE:

PERM MISS OF LIBYA TO UN
309 E 48TH ST
NEW YORK , NY 10017-1746

PAYMENTS THROUGH: 01/29/2002
NOTICE NO.: 297601102021501
BBL : 1-1341-6 4

NYC DEPARTMENT OF FINANCE
P.O. BOX 32
CHURCH STREET STATION
NEW YORK, NY 10008

000956.01

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

297601102021501

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/92	12/31/92	259,365.78	1,231,349.33
REAL EST	10		01/01/93	06/30/93	259,365.78	1,102,068.43
REAL EST	10		07/01/93	12/31/93	238,730.06	907,404.10
REAL EST	10		01/01/94	06/30/94	238,730.06	808,006.67
REAL EST	10		07/01/94	12/31/94	217,471.08	654,716.86
REAL EST	10		01/01/95	06/30/95	229,027.34	609,783.54
REAL EST	10		07/01/95	12/31/95	221,598.68	520,716.36
REAL EST	10		01/01/96	06/30/96	221,598.68	456,339.77
REAL EST	10		07/01/96	12/31/96	221,598.68	398,156.99
REAL EST	10		01/01/97	06/30/97	215,207.64	334,476.28
REAL EST	10		07/01/97	12/31/97	213,245.84	284,927.27
REAL EST	10		01/01/98	06/30/98	209,584.98	237,573.92

TOTAL REMITTANCE DUE: $38,170,454.64

THIS BILL CONTAINS MORE THAN ONE PAGE. PLEASE BE SURE TO RETURN
\LL OF THE PAGES OF THIS BILL WITH YOUR PAYMENTS.

ADDITIONAL INTEREST WILL BE ADDED IF NOT PAID ON OR BEFORE THE INTEREST DATE INDICATED BELOW. THIS NOTICE REFLECTS ALL PAYMENTS RECEIVED BY THE PAYMENTS THROUGH DATE INDICATED BELOW.

***** DO NOT TEAR-OFF *****

TO INSURE PROPER CREDIT, RETURN ALL PARTS OF THIS BILL WITH YOUR CHECK MADE PAYABLE TO THE NYC DEPARTMENT OF FINANCE. SEE THE REVERSE SIDE OF THIS NOTICE FOR MAILING AND PAYMENT INSTRUCTIONS.

INTEREST TO: 03/18/2002
TOTAL TAX DUE : $5,555,787.91
TOTAL INTEREST DUE : $32,614,666.73
TOTAL REMITTANCE DUE: $38,170,454.64
PLEASE ENTER CORRECTION(S) HERE:

PERM MISS OF LIBYA TO UN
309 E 48TH ST
NEW YORK , NY 10017-1746

PAYMENTS THROUGH: 01/29/2002
NOTICE NO.: 297601102021501
BBL : 1-1341-6 4

NYC DEPARTMENT OF FINANCE
P.O. BOX 32
CHURCH STREET STATION
NEW YORK, NY 10008

000956.01

FINANCE
NEW•YORK
THE CITY OF NEW YORK
DEPARTMENT OF FINANCE

DELINQUENCY NOTICE
REAL ESTATE AND ASSESSMENTS

2976011020215O1

PERM MISS OF LIBYA TO UN
FOREIGN OWNED
309 E 48TH ST
NEW YORK , NY 10017-1746

FEBRUARY 15, 2002
BOROUGH: MANHATTAN
BLOCK: 1341 LOT: 6 4

PARCEL ADDRESS:
309 EAST 48 STREET
NEW YORK NY 10017

ACCOUNT TYPE	TAX CODE	ACCOUNT ID	BEGIN DT DUE DATE	PERIOD END	TAX DUE	INTEREST
REAL EST	10		07/01/86	12/31/86	210,142.99	2,703,968.86
REAL EST	10		01/01/87	06/30/87	219,117.24	2,653,197.67
REAL EST	10		07/01/87	12/31/87	215,057.34	2,462,000.62
REAL EST	10		01/01/88	06/30/88	215,057.34	2,326,633.43
REAL EST	10		07/01/88	12/31/88	228,051.60	2,325,227.86
REAL EST	10		01/01/89	06/30/89	228,051.60	2,176,896.59
REAL EST	10		07/01/89	12/31/89	237,203.10	2,112,485.27
REAL EST	10		01/01/90	06/30/90	237,203.10	1,923,363.34
REAL EST	10		07/01/90	12/31/90	252,448.10	1,848,982.47
REAL EST	10		01/01/91	06/30/91	252,448.10	1,657,094.83
REAL EST	10		07/01/91	12/31/91	257,741.40	1,516,586.62
REAL EST	10		01/01/92	06/30/92	257,741.40	1,362,709.65

TO INSURE PROPER CREDIT, PLEASE RETURN THIS PAGE TOGETHER WITH
ALL THE OTHER PAGE(S) OF THIS NOTICE WHEN MAKING YOUR PAYMENT.

Finance

ABRAHAM BIDERMAN
Commissioner of Finance

The City of New York
Department of Finance
Municipal Building
New York, N.Y. 10007

December 18, 1987

Robert W. Thabit, Esq.
801 Second Avenue, Suite 801
New York, New York 10017

Re: Block 1341, Lot 6
Borough of Manhattan

Dear Mr. Thabit:

This is in response to your November 25, 1987 letter, received by this office on November 27, 1987, in which you requested an opinion on the filing requirements for the above-referenced property under Section 11-208.1 of the Administrative Code of the City of New York.

Subdivision e of Section 11-208.1 defines income producing property as, "property owned for the purpose of securing an income from the property itself". The Presidential Order prohibiting leasing of the office space, cited in your letter, precludes consideration of the subject property as an income producing property. Therefore, filing of the income and expense form is not required. However, if at some future date the office space or other portions of the above-reference property are leased, the Libyan government would be governed by the provisions of Section 11-208.1.

I trust that the above has been responsive to your inquiry.

Very truly yours,

Abraham Biderman
Commissioner of Finance

ROBERT W. THABIT
ATTORNEY AND COUNSELOR AT LAW

OFFICE:
(212) 682-0481, 2

801 SECOND AVENUE, SUITE 801
NEW YORK, NEW YORK 10017

TELEX: 6211
ANSWER: THABIT

August 14, 1986

Mrs. Phyllis Davis
New York City Tax Commission
Municipal Building - 9th Floor
New York, New York 10007

Re.: Libya House
309-15 East 48th Street
New York, N. Y. 10017

Dear Mrs. Davis:

The undersigned represents the Permanent Mission of Libya to the United Nations.

I enclose, pursuant to your request, a copy of the Executive Orders relative to the blocking of Libyan assets in the United States of America. I am also enclosing, pursuant to your request, a copy of our Application for a License. You will also find enclosed a copy of the Rejection of the Application by the Director of the Office of Foreign Assets Control dated July 23, 1986.

In view of the foregoing, it would seem illegal, as a taking of property without due process, that the Government of Libya should be asked to pay a real estate tax to the City of New York on property which the Federal Government has not permitted the Government and Mission of Libya to even offer for rent. Please give the foregoing your immediate attention.

Very truly yours,

ROBERT W. THABIT

RWT:jps
Encs.

cc.: Mr. Dennis M. O'Connell, Director
Office of Foreign Assets Control

H.E. Amb. David Zweifel, Chairman
Libyan Working Group, State Department

Mr. Rajab A. Azzarouk
Permanent Mission

Rec'd 8/29/86 RWT

TAX COMMISSION

MARY E. MANN, *President*
The City of New York
Tax Commission
936 Municipal Building
New York, N.Y. 10007

Exemptions
Telephone: 669-4102

Phyllis B. Davies
Counsel
Telephone: 669-44

Glenn Gorin
Assistant Counsel
Telephone: 669-44

August 28, 1986

Robert W. Thabit, Esq.
801 Second Ave.
New York, N.Y. 10017

Re: Libya House
309 East 48 St.
New York, N.Y. 10017
Block 1341 Lot 6

Dear Mr. Thabit:

Thank you for your letter of August 14 which included copies of the application for a license to rent the seven vacant floors of the subject property and of the denial of such license by the Department of the Treasury.

Notwithstanding the Treasury Department's denial of a license to rent the vacant space, the Tax Commission must limit the exemption from real estate tax to that portion of the property which is actually used for exempt purposes by the Permanent Mission of Libya to the United Nations, pursuant to §418 of the Real Property Tax Law. The relevant portion of §418 states that: "[I]f a portion only of any lot or building of any government or representative is used exclusively for the purposes herein described, then such portion only shall be exempt and the remainder shall be subject to taxation unless otherwise exempt from taxation by law."

Therefore, the request for exemption from taxation for the vacant portion of the building, i.e. that portion of the building which is not being used for exempt purposes by the Permanent Mission of Libya to the United Nations, is hereby denied. With respect to the value of the property, I believe that a hearing has already been held to determine whether the assessed valuation should be reduced.

Very Truly Yours

Phyllis B. Davies

Phyllis B. Davies
Counsel

Appendix VII

The Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

No.

البعثة الدائمة
للجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الأمم المتحدة
نيويورك

12 September 1986

Dear Mr. Perez de Cuellar:

As you already know, the Libyan Arab Jamahiriya is the Owner of premises 309-315 East 48th Street, New York City, New York where the Mission maintains its offices. There are, however, seven (7) floors in the building which are not occupied for Mission pruposes. The Tax Exempt status of the property has been established, but those seven (7) floors are not Tax Exempt.

On January 7th and 8th, 1986, the President of the United States of America issued an Executive Order freezing Libyan assets, thereby preventing the Mission from renting the seven (7) floors, except after issuance of a License by the United States' Department of Treasury.

An Application, L-13/3, for a license was submitted March 14, 1986. The Treasury Department responded by its letter dated July 23, 1986, denying the License. The Mission's Counsel then wrote to the City of New York's Tax Commission by letter dated August 14, 1986 requesting the City, in view

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

بعثة
الجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

of the denial of the License, to consider the entire building (including the seven [7] floors) to be temporarily exempt from taxation during the period Libya is not permitted to rent, since the Mission could not offer the seven (7) floors for rent. The City has responded by a letter dated August 28, 1986, denying temporary exemption for seven (7) vacant floors. A copy of the aforementioned correspondence is attached for your information.

We bring this matter to your attention and believe that the action of both the Government of the United States and the City of New York is illogical and illegal. It is very clear to the Libyan Mission that if the Federal Government does not authorize Libya to rent the seven (7) floors, that the City's Tax Commission has no legal basis upon which it can impose a Tax on the said seven (7) vacant floors, since it violates the Constitution of the United States, as a taking of property without due process of law.

We call upon Your Excellency to intervene on behalf of the Libyan Mission with the City of New York and the United States Government to rectify this gross injustice.

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N. Y. 10017
(212) 752-7724

بعثـــة
جماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

Mr. Javier Perez de Cuellar
page three

The Mission of Libya wishes to reassure the Secretary General of its highest regards and shall appreciate your assistance with regard to the aforementioned problem.

Very truly yours,

Dr. Ali A. Treiki
Permanent Representative

H.E. Mr. Javier Perez de Cuellar
Secretary General
United Nations
New York, New York

NEW YORK CITY COMMISSION
FOR THE UNITED NATIONS AND CONSULAR CORPS
Two United Nations Plaza, 27th Floor
New York, New York 10017
(212) 319-9300

August 19, 1991

PAUL O'DWYER
Commissioner

Telex 6503225415MCI UW
FAX (212) 319-3430

H.E. Dr. Shirin Tahir-Kheli
Ambassador
Alternate Representative for
Special Political Affairs
United States Mission to the
United Nations
799 United Nations Plaza
New York, NY 10017

Dear Ambassador Tahir-Kheli:

I am writing to you about a matter with which you are generally familiar and which has been raised in the Host Country Committee on several occasions, namely, the outstanding debt of nearly $3.5 million in real estate taxes and interest owed to the City of New York by the Libyan government in connection with a portion of their property at 309-315 East 48th Street, used as their Permanent Mission to the United Nations.

As you know, the Libyan government's property enjoys only a partial tax exemption in New York City. Under local law and under the Vienna Convention, only that portion used as the premises of the Mission and the Ambassador's residence enjoy exemption from taxation. Since seven floors of the subject premises have been set aside for commercial use, they have been taxed in the ordinary course. Although none of the seven floors had ever been occupied by a tenant, the Libyan government had been paying the taxes until early 1986, when their ability to rent the seven floors was "frozen", pursuant to two Executive Orders. The Libyan government has maintained since that time that it is inappropriate, indeed illegal, for the City to be taxing the property when the property has been rendered "unusable" for the commercial purposes for which it was built.

We have met numerous times over the past several years with the Libyans and their representatives, as well as with officials of the City's Department of Finance and the Legal Counsel of the United Nations. The City has offered to reduce the valuation of the property to reflect its diminished commercial value, but the offers were deemed inadequate by the Libyans, and the taxes continued to accrue.

There is, of course, no question that the premises are inviolable and not subject to any enforcement measures by the local authorities. However, it seems equally clear that the taxes are due and payable, under local and international law. We believe that this burden should not fall on the citizens and taxpayers of the City, but rather it is the responsibility of the Federal government in light of the Executive Orders which triggered the problem.

I would like, therefore, to request a meeting with you and any other appropriate Federal officials in order to discuss working out a mechanism for payment of this tax. Thank you very much for your kind attention.

Sincerely,

/s/ Paul O'Dwyer

Paul O'Dwyer
Commissioner

PO/ms

Appendix IX

OFFICE OF THE MAYOR
NEW YORK CITY COMMISSION FOR THE UNITED NATIONS,
CONSULAR CORPS AND PROTOCOL
Two United Nations Plaza, New York, New York 10017

IRENE R. HALLIGAN
COMMISSIONER

BRADFORD E. BILLET
DEPUTY COMMISSIONER

August 27, 2001

H.E. Mr. Isa Ayad Babaa
Ambassador Extraordinary and Plenipotentiary
Deputy Permanent Representative
Permanent Mission of the Socialist People's Libyan Arab Jamahiriya
to the United Nations
309-315 East 48th Street
New York, New York 10017

RE: Block 1341, Lot 6
309-315 East 48th Street

Dear Ambassador Babaa:

The New York City Commission for the United Nations, Consular Corps, and Protocol presents its compliments to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations.

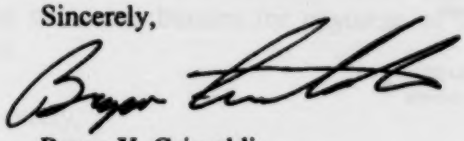
Our office has been contacted by the New York City Department of Finance with regard to outstanding real estate tax charges for the above referenced property. By letter dated January 5, 2001, the Department of Finance requested that the Mission contact the City to review and discuss the amounts outstanding. To date, the City has not received a response from the Mission. Currently, the outstanding balance is $36,508,846.70. On February 15, 2001, the City of New York formally registered a claim with the Office of Foreign Asset Control, U.S. Department of Treasury.

The City looks forward to the timely resolution of this matter. Real estate tax delinquencies and related charges are a matter of public record and may become subject to publication in the future.

(212) 319-9200 • Fax

I wish to thank you for your anticipated cooperation in this matter. Please contact our office to arrange for payment. Should you have any questions, please call me at (212) 310-9300.

Sincerely,



Bryan X. Grimaldi
General Counsel

cc: Commissioner Irene R. Halligan
Commissioner Andrew S. Eristoff
Deputy Commissioner Bradford E. Billet
Deputy Commissioner Peter J. Lempin, DOF
Robert C. Moller, U.S. Department of State
James B. Bond, U.S. Department of State
Richard Neucomb, U.S. Department of Treasury

Appendix X

٥/ ١١٠

The Permanent Mission of the
Socialist People's Libyan Arab Jamahiriya
to the United Nations
309 East 48th Street
New York, N.Y. 10017
(212) 752-5775

A/AC.154/346/Add.1

بعثة
الجماهيرية العربية الليبية الشعبية الاشتراكية
لدى الامم المتحدة
نيويورك

No: 666

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to advise the following concerning the subject of the Libyan Mission Building located at 309 - 315 East, 48th Street, in New York City, New York.

At the time the premises of the Mission were built, Libya intended to rent out 7 floors of the building for "commercial occupancy". This, however, was not possible because of the 1986 Executive Order, by President Reagan.

In pursuit of that goal the Libyan Mission had presented an Amended Application to the Foreign Assets Control Office of the U.S. Department of the Treasury on 26 January 1986. That office, on July 23, 1986, denied Libya's request, thereby frustrating the use of those 7 floors for "commercial use".

Despite that official denial by the Federal Authorities, the Department of Finance of the City of New York continued assessing property taxes on the commercial portion of the premises, ignoring the fact that it did not generate any income at all and therefore had "zero commercial value". The amount of such taxes with interest has been compounding since then and has reached an enormous figure, which constitutes an anomalous situation that cannot be supported legally or logically. Consequently, the Libyan Mission, having been denied its right to rent the above mentioned floors, intends to use the entire premises for Mission purposes, and, therefore requests your kind assistance in this regard.

The Permanent Mission of the Libyan Arab Jamahiriya to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration.

April 4, 2001

THE PERMANENT MISSION OF THE S.P.L.A.R. JAMAHIRIYA TO THE U.N.

United States Mission
to the United Nations
799 United Nations Plaza
New York, NY. 10017 - 3505

Appendix XI

UNITED STATES MISSION
TO THE UNITED NATIONS

December 5, 2001

HC-61-01

The United States Mission to the United Nations presents its compliments to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations and acknowledges receipt of the latter's Note No. 1832 of September 13, 2001 which contained information on the proposed use of floors 14 through 20 of Libya House at 309-315 East 48th Street.

Provided that renovations are carried out in accord with applicable local laws and building codes, the United States Mission has no objection to the proposed usage as described in the Note No. 1832 from the Permanent Mission of Libya.

The United States Mission to the United Nations avails itself of this opportunity to renew to the Permanent Mission of the Socialist People's Libyan Arab Jamahiriya to the United Nations the assurances of its highest consideration.

Robert W. Thabit
Attorney and Counselor at Law
260 Ovington Avenue
Brooklyn, New York 11209

OFFICE:
(718) 748-6861, 2

FAX: (718) 748-7041

Via Certified Mail/RRR
No. 7000 1670 0006 7352 0798

December 21, 2001

The Honorable Irene Halligan
City Commissioner to the U.N.
and Consular Corps.
Two U.N. Plaza
New York, NY 10017

RE: Libyan Mission to U.N.
309-315 E. 48th St.
New York City, NY

Dear Ms. Halligan:

As you know, I represent the Permanent Mission of Libya to the U.N., whose government owns the above premises.

As you are also aware there are 7 floors that had been intended for commercial use at the time the building was constructed. However, in 1986, President Ronald Reagan froze all of the assets of Libya, including the 7 flocrs in the above premises. Libya requested permission to rent the 7 floors and had agreed that any surplus funds would be deposited in a "blocked" account, but the U.S. Office of Foreign Assets Control denied Libya's request. Notwithstanding that denial, the City has annually considered the property taxable and levied a tax against the premises, which given the above facts, represents in my legal opinion, a taking of property without due process of law.

The Mission of Libya in an effort to resolve this matter contacted the U.S. Mission to the U.N. by a Note Verbale dated April 4, 2001 for the purpose of changing the use of the 7 floors into Mission use, so that the "alleged" taxable status could be legally corrected. The U.S. Mission to the U.N. responded by note dated June 18, 2001 requesting "a floor by floor description of the intended use of the premises." The Libyan Mission responded by note dated September 13, 2001 with specific uses of the aforementioned 7 floors and the U.S. Mission responded by note dated December 5, 2001 stating that "Provided that renovations are carried out in accord with applicable local laws

and building codes, the U.S. Mission has no objection to the proposed usage as described." A copy of the aforementioned four (4) notes are enclosed herewith for your easy reference.

The Libyan Mission would like to proceed to the conversion of the said 7 floors and is submitting herewith an Application for Exemption of the 7 floors from real property taxes, as all of the floors will either be used for the residence of the Foreign Minister, Ambassadors or Minister Plenipotentiary, the Exhibition Hall on Libya, and the Men's and Women's Gym are for "official Mission uses."

We hereby request that the tax exemption should be made effective as of the date that President Reagan froze Libyan assets, including the aforementioned 7 floors, since they have never been used for "commercial purposes."

We would appreciate it therefore, if you would meet with Amb. Dorda, the Mission's Legal Advisor and the undersigned in mid-January 2002 to review how the Mission should proceed to accomplish the goals set forth in Libya's Note #1832 to the effect that all of the 7 floors would in fact be exempt from real estate taxes from the date President Reagan froze Libyan assets in 1986.

Thanking you for your early attention to the above, I am

Sincerely yours,

Robert W. Thabit

RWT:mj

Encls.

cc: Amb. Abuzed Omar Dorda
(via fax 212-593-4787)

OFFICE OF THE MAYOR
NEW YORK CITY COMMISSION FOR THE UNITED NATIONS,
CONSULAR CORPS, AND PROTOCOL
Two United Nations Plaza, New York, New York 10017

MARJORIE B. TIVEN
COMMISSIONER

March 7, 2002

Mr. Robert W. Thabit
Attorney and Counselor at Law
260 Ovington Avenue
Brooklyn, NY 11209

Dear Mr. Thabit:

Thank you for your letter of March 5, 2002. The City wishes to resolve the matter of Unpaid Real Estate Taxes for the Libyan Mission to the United Nations.

Please contact Deputy Commissioner Bradford E. Billet or General Counsel Brian X. Grimaldi of my office at (212) 319-9300 to arrange for a meeting jointly with the Department of Finance and Ambassador Abuzed Omar Dorda, of the Libyan Mission.

Sincerely,

Marjorie B. Tiven
Commissioner

MBT/pk

cc: Ambassador Abuzed Omar Dorda
Libyan Mission to the United Nations

Telephone: (212) 319-9300 ● Fax: (212) 319-3430

Appendix XIV

CITY OF NEW YORK

NOTICE OF INTENTION TO SELL TAX LIENS

*BWNFFBV
*07126870203070248

LIBYAN ARAB REPUBLIC
309 E 48TH ST
NEW YORK, NY 10017-1746

MARCH 12, 2002
PROPERTY ADDRESS:
309 EAST 48 STREET

BOROUGH	BLOCK	LOT
MANHATTAN	1341	6

CASE NO: 007027930 S

Dear Owner or Registrant:

According to the records of the New York City Department of Finance and the Department of Environmental Protection, your real estate taxes and/or water and/or sewer charges and related charges (if any) have been delinquent for a period of at least one year. As a result, the borough, block and lot numbers (printed on your R.E.Tax bill) of your property will be published in a legal notice in the March 12, 2002 edition of the New York Daily News. In addition, notices showing the amount owed for each property are available for public inspection at each office of the City Register, and at the Office of the Richmond County Clerk alerting all interested parties of the City of New York's intention to sell these delinquent taxes and charges in a tax lien sale to be held no less that 60 days from the date of the published legal notice. The addresses of the City Register and the Richmond County Clerk appear in the accompanying brochure.

The total lien on your property consists of the delinquent property taxes and/or other delinquent lienable charges and expenses, and the interest that has accrued on the property and other lienable charges up to the time of the sale. After the sale of the tax lien, by law, the purchaser of a tax lien is entitled to receive a 5% surcharge on the entire lien plus additional interest accruing at 18% compounded daily, payable semi-annually. The private entity that purchases the lien must receive the full amount owed in order to remove the lien from your property. In order to collect the amounts owed, the purchaser can foreclose on your property.

You can prevent the inclusion of the lien on your property in the tax lien sale by taking one or more of the following steps. Be aware, however, that the last day to pay is May 10, 2002.

1) To pay delinquent real estate taxes and related charges, you should first obtain a current bill of the charges outstanding by visiting any one of the Department of Finance borough offices listed in the accompanying brochure or by calling the Department of Finance Taxpayer Assistance Unit at (718) 935-9500. Payment must be made in cash, certified check or money order payable to the NYC Department of Finance. You can mail your certified check and money order with the current bill be the NYC Department of Finance, P.O. Box 32, New York, NY 10008-0032, or you can pay in person by visting one of our borough offices. Please include your borough, block and lot numbers on all payments.

2) To obtain an updated bill for water/sewer charges or resolve issues of metered water charges please call the NYC Department of Environmental Protection, Bureau of Customer Services Offices at (718) 595-7000 or visit any one of their borough offices listed in the accompanying brochure.

3) To find out if you are eligible for an installment payment plan with the Department of Finance to pay delinquent real estate taxes please call (718) 935-9500 or visit one of our borough offices.

4) To find out if you are eligible for an installment plan with the Department of Environmental Protection to pay water/sewer charges please call (718) 595-7000.

5) If you believe the notice is in error, immediately contact the Department of Finance Ombudsman's Unit at (718) 694-0424 or the Senior Citizen Ombudsman's Unit at (718) 694-8260 or visit any of our borough offices.

(over)

Special Notice for record owners and/or the property that is the subject of a bankruptcy case under Title 11 of the United States Code (the "Bankruptcy Code")

The intended sale of the lien as set forth herein is not an act of collection. The proposed purchaser of the lien, a trust structured by the City for the ownership, among other things, of the liens (the "Purchaser"), has been specifically directed, unless authorized by the Bankruptcy Court, to refrain from any acts of collection during the time that the record owner and/or the property is the subject of a bankruptcy proceeding as set forth in the Bankruptcy Code (the "Restrained Acts"). The Restrained Acts include the application of the 5% surcharge, any statutory interest rate increases, notification costs, and any penalty amounts or any act to enforce the liens by act of foreclosure or other legal means without first obtaining appropriate judicial relief. In addition, interest will accrue on tax liens with respect to which the record owner and/or property was the subject of a bankruptcy proceeding at the time of the sale (the "Bankruptcy Tax Liens") at the rate of 9% per annum, compounded daily (a) in the case of delinquent real property taxes included in Bankruptcy Tax Liens where the annual tax bill does not exceed $2,750 except in the case of (i) any property with respect to which the real property taxes are held in escrow and paid by a mortgage escrow agent; and (ii) properties consisting of vacant or unimproved land; or (b) with respect to water and sewer charges included in Bankruptcy Tax Liens. In all other cases, interest will accrue on the tax liens at 18.00% per annum, compounded daily. Additionally, any time period which commences upon the sale of the Bankruptcy Tax Liens shall be tolled during the time the related property owner is in bankruptcy. The Purchaser will reserve its rights, upon removal of the record owner and/or the property from the protections set forth in the Bankruptcy Code, to take all appropriate legal actions.

The Restrained Acts set forth herein apply only as to those liens that attached prior to the date of any petition in bankruptcy. Any taxes and related charges, as well as any interest at the statutory rate, which became due and payable after the filing date of any petition in bankruptcy are liens as set forth in both the Administrative Code and Section 362(b)(18) of the Bankruptcy Code, and will be subject to the 5% surcharge. The City will not seek to enforce the post-petition liens by act of foreclosure or other legal means, until either the removal of the record owner and/or the property from the protections set forth in the Bankruptcy Code, or first obtaining appropriate judicial relief from the Bankruptcy Court.

Enclosure: Tax Lien Sale Brochure.

CITY OF NEW YORK
DEPARTMENT OF FINANCE

Appendix XV

List of topics for consideration by the Committee

1. Question of the security of missions and the safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, including:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.